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than 48 hours after the last of Fidel Castro's 1,113 Bay of Pigs prisoners flew to freedom, the man who had negotiated their release was on the telephone facing his next challenge. It came, of all things, from the dean of his daughter's college, who had ordered the 19-year-old confined to campus for a year for drinking shots of beer. "The punishment doesn't fit the crime," snapped the lawyer-father. This case, still under litigation, is a measure of James B. Donovan.

The 46-year-old attorney, a stocky, prematurely graying Brooklyn Irishman, is quick to meet challenge, and he loves a hard fight. He has plenty of both. During World War II he was general counsel for the Office of Strategic Services, then as an assistant prosecutor at Nuremberg war-crime trials. And during the war he has emerged as America's most useful intermediary in delicate and complex war negotiations.

Donovan's extraordinary year of diplomacy began in February when he negotiated the release of his court-assigned client, the Russian diplomat Rudolf Ivanovich Abel, for American pilot Francis Gary Powers. It ended at Havana, after four months of hard bargaining, with Donovan won the release of the Bay of Pigs prisoners. For his efforts, often carried on when he was sick and in pain, Donovan has received money and much abuse. Before he left Fidel Castro even warned him, "You have more danger than the prisoners."

To meet this threat Donovan is prepared to return to Havana to bargain with Castro for the release of at least 21 Americans still imprisoned. He asked Castro for their release as a Christmas present, and he believes Castro will grant an amnesty once the Bay of Pigs prisoners' deal is completed.

Donovan's Cuban adventure began last June when the Cuban Families Committee, trying to free the prisoners whom Castro had fined \$100, asked Donovan to become its general counsel (without fee). Attorney General Robert Kennedy had recommended Donovan for the job and he urged the lawyer to accept it. Donovan said nothing about his new assignment to anyone. He even made light of it when the news to his wife, Mary McKenna, a patient woman, has grown accustomed to her husband's flip explanations for his profligacies. "I've got a little case out of my mind," he told her.

For the Cuban assignment the way was clear for any trial, Donovan says. "I did a lot of reading on the Cuban revolution, and I read extracts from all of Castro's speeches, and tried to get to know the man."

The biggest problem was getting to Castro. When he was ready there were frightening reports that the men were near death on the Isle of Pines, and Donovan decided his best course was to return to the Cuban government.

But that it was unthinkable that Castro would release any of the prisoners, the lawyer knew. The court had fixed their sentences

and I knew Dr. Castro was not a butcher. Then I threw in a last line which some on the committee told me was dangerous.

#### More Cuban than Marxist

"I wrote, 'I am certain the prisoners will be given excellent treatment because, after all, Premier Castro is more Cuban than Marxist.'"

Several weeks after Donovan wrote, Castro granted him permission to visit Havana. In the last week of August he set off, together with committee chairman Alvaro Sánchez Jr., Mrs. Barreto de los Heros of the committee and secretary Ernesto Freyre. Havana, recently raided by a band of anti-Castro student exiles, was tense and full of armed militia. The group stayed in the home of Mrs. Barreto de los Heros, whose husband, Jesús, continued to live in Havana while his son was a prisoner.

Their once-beautiful white stone villa in Miramar, overlooking the Almendares River, was typical of conditions prevailing throughout Cuba. The plaster was peeling, there was no hot water (Donovan once fixed the toilet himself), and some of the furniture was splitting and sagging. Outside, surrounding the villa's fruit trees and tropical flowers, there was a high wall with iron gates, which were locked night and day. Armed sentries were everywhere, and the committee felt itself under virtual arrest.

When Donovan turned on a television set in the living room he saw his own picture on the screen. An excitable commentator warned the Cuban people that this was an evil man, a "decoy" who has come to cover another Kennedy invasion. Through the window the negotiators could see the sentries turn in their sidearms for machine guns and rifles.

"The timing of the mission was brilliantly conceived for a relaxed atmosphere," says Donovan.

Castro ignored the committee the first day but sent the Cuban attorney general, who had prosecuted the prisoners, to call at the villa. Donovan kept him waiting an hour but then proceeded to treat him "as if he were Chief Justice Charles Evans Hughes." Flattered by the attention, the attorney general told Donovan he had been a shoemaker before Castro came to power.

Donovan sent back only one message for Castro: He came to do business with the premier and no one else.

The following afternoon the two principal negotiators met for the first time in the cabinet room of the Presidential Palace. They were introduced at the door, shook hands and sat down across from each other. Castro was alone; Donovan was flanked by the three leaders of the committee. The meeting lasted four hours. Describing his reaction to Castro, Donovan says, "I had to feel my way."

To Donovan, Fidel Castro was entirely different from the caricature so often presented. "He was, in a Latin way, quite handsome," says Donovan. "His beard and moustache were trimmed and even singed. His fatigues were freshly pressed and looked as though they came from Brooks Brothers. In every sense of the word he was, at least on this day, a chief of state.

"Of course," he adds, "I saw Castro under many different circumstances after that. Frankly, I concluded that he is a consummate actor. Under other conditions he would have played hell out of Hamlet."

Castro seemed to like Donovan from the outset. But before they could get down to serious bargaining there was one matter that had to be cleared up, and that was Donovan's status as private counsel to a private committee. Castro began by unleashing a torrent of abuse against the United States. "I explained I wasn't there to speak for the United States," Donovan recalls. "I told Fidel, in effect, that he was wasting his time when he said things about the United States." Donovan bluntly added that there was no love lost on Castro in the United States either, and that any negotiations would be difficult to justify to the American people.

"Not so," Castro said. "Americans like heroics, and the freeing of the prisoners will be a heroic act. The State Department couldn't do it, and it would cost many thousands of American lives for the Army to try it.

"In fact," he added, "your coming down here was heroic."

Donovan looked around the room in the heavily guarded palace and thought of the militia with machine guns back at the villa. "On the contrary," he remarked, "with the private army you've been kind enough to provide for us, I regard myself safer here than back in Brooklyn."

Castro digested this, puffed on his long cigar and replied, "Maybe you're right. There's a lot of traffic in Brooklyn."

#### Translator's knuckles whiten

Before the talks started, Donovan had determined he would not allow Castro to make long speeches but would throw him off stride by calling for an interpretation after every paragraph. Castro spoke English only when the two men met informally. Sánchez, once a wealthy rancher whose own son was one of Castro's prisoners, acted as Donovan's interpreter. "It must have been tough for him to sit there, not knowing what I'd say next," the lawyer says. "He's spent all his life outdoors, and his hands are dark brown from the sun, but when the give-and-take across the table got rough he would make a fist and his knuckles would turn white."

In spite of the rough moments, the first meetings went well. Donovan convinced Castro there could be no deal for cash. If Castro insisted on money, Donovan told him, "World opinion will place you in the role of a slave trader."

"I need not care for world opinion," Castro replied. But Donovan feels he was persuaded.

Instead of money Donovan offered the idea of an exchange based on surplus food. Castro agreed to consider it. By the third day Castro was telling the American, "I can do business with you—not with your Government, but you." Donovan flew home then, confident that he could make a deal.

During the weeks ahead, however, relations between the two countries worsened, and the United States Government cooled on the idea of sending food. The lawyer then hit on the idea of

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a deal for drugs and medicines. He explored the idea with friends in the drug business. Several of them seemed interested. With this encouragement, he decided to go to Havana with a new proposal to Castro.

"How long are you going to be gone this time?" Mary Donovan asked. "That man talks so long. Are you going to talk too?"

"I have a few things to say," said Donovan.

"Then it could take months," said his wife.

But Donovan was suffering from a painful attack of bursitis in his right shoulder. By the time he reached Havana on October 2 it had become inflamed. A doctor gave him an injection, but the pain only got worse. His host, Jesús Barreto de los Heros, tried to help by taking charge of his treatment. Barreto is a lawyer, but he is also a former owner of race horses. From a nearby veterinarian he obtained a needle and medication, which prompted Donovan to tag him "my horse doctor." Every four hours, on a local physician's instructions, the host gave Donovan an injection in the rear. The area soon became infected, and the long-suffering patient could not sit down.

There was nothing to do but get him to a doctor in Miami. There, hiding under the name of "Sam Fitch," Donovan visited an unsuspecting general practitioner who announced, "This man has got to be hospitalized. In addition to bursitis, he has a general infection, a fever of 102 and a baseball-sized lump on the buttocks."

Donovan apologized for disregarding the professional advice. "Don't worry, Doctor," he said. "Where I've been all I've had is a general pain in the rear end."

He accepted some antibiotics and returned to Havana. Still in pain and carrying his arm in a sling to minimize the movement of the lame shoulder, Donovan simply let the bursitis run its course over the next few days.

It was during this time, too, that the lawyer went through his toughest negotiating session. The ordeal began at noon. Captain José Abrahantes of the Cuban security police, an embittered man who had lost several relatives fighting off the Bay of Pigs invasion, arrived at the villa in an open car. He had orders to take Donovan to Castro. Donovan climbed in and the car roared away, reaching a speed of 90 miles an hour.

"I bounced around in the car with the bursitis killing me," Donovan recalls. "Because we were going so fast and I had only one arm I couldn't even light a cigarette. I didn't say a thing, but Abrahantes was obviously enjoying himself."

The destination was Varadero Beach, about 100 miles away. When they reached the beach Castro was waiting. They went by boat to Cactus Key, an island off the coast, and talked through the afternoon and into the evening.

The American, who had not been well to start with, had no lunch and was given only one demitasse of sweet, black Cuban coffee all day.

Under these handicaps he began the negotiations. When Donovan explained that the exchange must now be for drugs and not food, Castro balked. He reminded Donovan he had already

shifted from cash to food and "now you want me to leave food for drugs." The lawyer then held out an offer of baby food, which he now believes "helped to swing the deal."

On the Cuban side there developed a new bitterness in the talks, apparently resulting from demands by dedicated Communists around Castro that the leaders of the brigade be held until all the drugs had reached Cuba. Donovan rejected this, saying he would have nothing to do with a deal which used human beings as guarantees. All the brigade must go free at the same time or the deal was off.

### The negotiation bogged down

Next morning Abrahantes renewed the same argument, and Donovan lost his temper.

"Why don't you make soap out of the prisoners like the Nazis did in World War II?" he asked Abrahantes. "They might even put you in charge of the operation. You'd be good for it."

By this time the talks had bogged down. Without further ado Donovan packed up and went home, leaving Castro a message: "Make a list of the drugs you want, and then call me but remember I'm your only market for the prisoners."

This was a shrewd step. It left Castro still talking and, in effect, forced him to make the next move. Actually Donovan had a good excuse for getting back to New York. He was the Democratic candidate for United States Senator, and with the election only three weeks off he had yet to make a major speech, name a campaign manager or kiss his first baby. His political debut was spectacularly unsuccessful. He lost to Republican Sen. Jacob K. Javits by nearly 1,000,000 votes. The loss clearly was due to Javits's popularity. But it would be uncharitable not to ascribe some of Donovan's poor showing to the distraction of his work on the prisoner exchange.

On October 19, when the election campaign was at its height, the Castro government sent Donovan a 250-page list of drugs, medical supplies and baby food that it would accept in return for release of the brigade. As soon as Donovan saw the list he knew that "an agreement in principle" was at hand. But three days later, while the new Cuban list was being analyzed, President Kennedy announced to the world that the Russians had armed Cuba with offensive missiles. The crisis was on; the prisoner deal was off. "We thought the heavens would come down over Cuba now," says one committee leader.

But as soon as the President convinced the Soviets they had to remove the missiles, the negotiators were ready to try again. Castro indicated he, too, was willing to talk. Late in November he sent a revised list of drugs and baby foods to Donovan. At this point Project X (also known as Operation Mercy) went into high gear. Donovan needed a staff. Attorney General Kennedy assigned his varsity to the operation: Deputy Attorney General Nicholas Katzenbach and Assistant Attorney General Louis F. Oberdorfer. They organized a staff of lawyers who immediately began soliciting the drugs, medical supplies and transportation necessary for the exchange. "Money wouldn't buy such talent," says Donovan.

The need for urgency was great. Chairman Alvaro Sánchez, who came back from Havana after visiting the prison, warned that some prisoners might die if they weren't freed quickly. "I'm a cattleman, not a doctor," he said. "I've seen starvation in cattle, and I think the same for humans too. The neck is the first you cannot hold your head up."

In December the Red Cross came to Havana as middleman and to carry out the payment of the supplies. Now at least the payments, tax-deductible, could be made through the American Red Cross. By law, the Red Cross deducts 5 percent of their gross income from contributions, and some 40 firms contribute to the drug fund. But Castro would not release the drugs unless the delivery of American goods was guaranteed. The Government team, led by Victor Herd, chairman of the board of the American Fore insurance group and attorney Donovan's, to get him to issue the exchange bond. He was skeptical until "This is for Jim Donovan."

"Why didn't you say so?" asked Donovan, writing to write.

With this document in hand, the team then secured a \$53,000,000 guarantee from the Family and Red Cross were unable to meet the commitment by the cutoff date Castro set—July 1, 1963. Standing behind the credit were the Morgan Guaranty and the Bank of America.

To the Cuban Families Committee was stunning. For 20 months it had been knocking doors in vain. It had collected gold (which were never cashed in and turned). It had fought against indifference and callousness. Now, in a matter of days, the deal was being moved.

Sánchez couldn't believe it was so fast. "It's a rosary of miracles—that's what it is."

Part of the miracle was pure geography. Donovan was in a cooperative apartment at 35 Prospect Park West in Brooklyn. Charles Pfizer and Co., the drug company, was in the same building. On a Saturday, Donovan called Charles Pfizer and Co., the drug company, and told them that a large gift of drugs from the Cuban people to the Cuban people was being moved.

### Negotiations near the clin

Donovan, not much of a believer in miracles, was a little surprised when McKee, the drug company president explained that he had made a similar donation 15 years ago when an epidemic threatened Cuba.

Now the long negotiations were over. In his press conference on November 1, President Kennedy gave the signal that the exchange had been waiting for. He said he was "relieved" to the exchange.

Four days later Donovan, Sánchez, Barreto de los Heros and Mrs. Viña, who was a prisoner in Havana. It took six days to har-

last details. Then at the eleventh hour the deal almost foundered on a debt of \$2,900,000 which the committee owed Castro for 60 years of POW's freed last April.

Donovan got on the phone to Washington and insisted that the money be raised. The Families Committee, which was broke most of the time, said it once had the money in pledges but they had evaporated during the October missile crisis. As soon as Donovan phoned, Robert Kennedy went into action. The Attorney General phoned Richard Cardinal Cushing of Boston, who pledged to raise \$1,000,000. General Lucius Clay raised the rest. And so the deal finally worked.

When Donovan presented the formal agreement to Castro, the premier made several editorial changes and then handed it back, saying smugly, "I, too, am a lawyer, you know."

"No comment," said Donovan.

After their business was finished the negotiators returned to the de los Heros villa. Castro told Donovan his being in Cuba then was not unlike December, 1941, when the Japanese peacemakers visited Washington just before Pearl Harbor.

"We would have dealt with your situation very differently," Castro said. Then, looking straight at Donovan, he added, "You were in more danger here than the prisoners."

#### **Castro listens to a prayer**

The atmosphere was somewhat different on the night of December 23. During the day four big Pan American planes had lifted 426 prisoners to Miami. The remainder of the brigade was to go out the following day. Castro stopped at the villa, and Donovan broke out a bottle of champagne.

"This was a night to remember," Donovan says. "Castro asked me what my philosophy was. I told him that none of us is sufficiently humble, and I read him Saint Francis's prayer." Standing above the Cuban dictator he read:

"Lord, make me an instrument of your peace. Where there is hatred, let me sow love; where there is injury, pardon; where there is doubt, faith; where there is despair, hope; where there is darkness, light; where there is sadness, joy . . . for it is in giving that we receive; it is in pardoning that we are pardoned, and it is in dying that we are born to eternal life."

Castro listened closely, thought for a moment and then said, "Those are fine ideals. The only trouble is that, while I may share your objectives, my means are entirely different."

At 10:32 P.M. on Christmas Eve the Pan Am Clipper *Sam Houston* landed at Miami with the final load of anti-Castro soldier-prisoners. Lawyer Donovan, his face red with sunburn and his thin white hair shining under the spotlights, was the last man down out of the big plane.

He stepped to the microphones and made a little speech ending with, "Merry Christmas to all." He was steered into an Air Force car then and sank back in the seat, exhausted. "I didn't think we were going to make it," he said.

Much later, in a quiet moment, he spoke of his most profound memory, a mental image of the prisoners as they boarded the planes to leave Cuba: "It was like pictures I've seen of the old slave trade. They were just kids, each carrying his pathetic little bag of things he was able to hang onto or make in prison."

"I remember calling Mary that night and telling her some of those boys were younger than our John, who's 17. When that first plane took off it compensated for the whole thing."

And, as the last plane made ready, Castro jokingly complained to Donovan that the night before he had taken advantage of him by reading a prayer and preaching a sermon.

"That's true," Donovan said, "but the question is: Did I save any souls?"

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